

REMARKS/ARGUMENTS

By this amendment, claims 2, 13, 18, 20, 21 and 22 are amended. Claims 1-23 are pending, of which claims 1, 6-12, 14 and 16 are withdrawn. Claims 23 is new.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

General remarks

Claim 18 has been rendered independent.

Claims 20 and 21 have been amended and now include the features of claim 2 concerning the substitution of the arylene radicals contained in general formulae (I) and (II).

Claim 23 is new and concerns a percolation membrane comprising a cross-linked polymer as defined in claim 20.

Rejection under 35 U.S.C. § 112

Claim 21 stands rejected by the Examiner under 35 U.S.C. § 112 as allegedly being indefinite. Since the phrase "Si a silicon atom" has been withdrawn from claim 21, this objection is moot.

The Applicant has also amended Claim 22 to enhance clarity: the phrase "S represents a sulphur atom, O an oxygen atom and" has been withdrawn.

Accordingly, reconsideration and withdrawal of the clarity objection are respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 2, 13, 15, 16 and 20 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Patel et al. This objection is respectfully traversed.

Claim 16 has been withdrawn. This objection thus now applies only for claims 2, 13, 15 and 20.

Claims 2 and 13 have been limited to a support material comprising a radical of formula (I) or (II) wherein the "L" moiety cannot represent a radical of formula (IIIa). Accordingly,

claims 2 and 13 are new in view of Patel et al. Since claim 2 is new, dependent claim 15 is also new.

Claim 20 has been limited to a support material comprising a radical of formula (I) or (II) wherein the "L" moiety represents a radical of general formula (IIIa) wherein W_2 can neither represent a single bond nor W_1 . In view of this amendment, claim 20 is new. Since claim 20 is new, claim 23 is also new.

Accordingly, reconsideration and withdrawal of the novelty objection against claims 2, 13, 15, 16 and 20 are respectfully requested.

Claims 19 and 22 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Andreev et al. This objection is respectfully traversed.

Claims 2, 13 and 22 have been limited to a support material comprising a radical of formula (I) or (II) wherein, when the "L" moiety represents a radical of formula (IV), R_4 cannot represent an oxygen atom. Claims 2, 13 and 22 are thus new in view of Andreev et al. Since claim 2 is new, claim 19, which depends on claim 2, is also new.

Accordingly, reconsideration and withdrawal of the novelty objection against claims 19 and 22 are respectfully requested.

Rejection under 35 U.S.C. § 103

Claims 3-5 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Patel et al. in combination with Francotte. This objection is respectfully traversed.

Patel et al. disclose cotton cellulose treated with bifunctional S-containing methylol compounds, which are used for the manufacture of textiles. As mentioned above, these compounds are different from those of the invention.

Francotte (WO 97/49733) discloses thermally crosslinked polysaccharide derivatives in which the OH groups have been esterified or converted into a carbamate and their use for the chromatographic separation of enantiomers. Francotte does not disclose nor suggest the specific support materials of the claimed invention consisting of cross-linked polymer comprising specific radicals of formula (I) or (II) containing ether bridges.

Accordingly, neither Patel et al. nor Francotte, taken alone or in combination, teach or suggest the support materials of the claimed invention.

In addition, Page 10, last § of the Office Action, the Examiner cites the Giuliani et al. (Tesoro) reference, which has never been discussed before in the Office Action. Giuliani et al. (Tesoro, US 3,501,260) had already been cited in the previous office action (mailed March 19, 2008) and discloses a treatment of soluble polymers containing free hydroxyl groups with polyfunctional beta-oxyethyl sulfones, which are used for the manufacture of textiles. As mentioned by the Applicant in its last amendment filed on June 19, 2008, Giuliani et al. (Tesoro) neither teach nor suggest the compounds of the claimed invention nor their use as support material useful for the separation or preparation of enantiomers.

Moreover, Patel, Giuliani and Francotte relate to two extremely different technical fields and there is thus no apparent reason to combine these documents. The Patel and Giuliani references relate to the field of textiles and Francotte relates to support materials for chromatographic separation of enantiomers. Consequently, the person having ordinary skill in the art would never have been motivated to look at the Patel and Giuliani references to solve the problem of the separation of enantiomers. Moreover, even if the person having ordinary skill in the art would have looked at Patel and Giuliani in view of Francotte, he would never have obtained the compounds of the claimed invention since these compounds are never disclosed nor suggested in these documents.

From the foregoing remarks, it clearly appears that the instant invention as defined in the pending claims is non obvious over the cited prior art. Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

Claim 21 stands rejected under 35 U.S.C. 103(a) as being obvious over Gale et al. in combination with Francotte.

Claim 21 has been amended and now relates to a support material comprising a radical of general formula (I) or (II) wherein Y cannot be a single bond. The support materials of pending claim 21 are neither taught nor suggested by Gale et al.

Francotte is as described previously.

Accordingly, neither Patel et al. nor Francotte, taken alone or in combination, teach or suggest the support materials of the claimed invention.

In addition, the Giuliani reference, which is cited by the Examiner page 12 in the last two paragraphs, teaches compounds very different from those of the invention.

Moreover, the Gale, Giuliani and Francotte references relate to two extremely different technical fields and there is thus no apparent reason to combine these documents. The Gale and Giuliani references relate to the non-analogous field of textiles and Francotte relates to support materials for chromatographic separation of enantiomers. Consequently, the person having ordinary skill in the art would never have been motivated to look at the Gale and Giuliani references to solve the problem of the separation of enantiomers. Moreover, even if the person having ordinary skill in the art would have looked at Gale and Giuliani in view of Francotte, he would never have obtained the compounds of the claimed invention since these compounds are never disclosed nor suggested in these documents.

From the foregoing remarks, it clearly appears that the instant invention as defined in the pending claims, and in particular in claim 21, is non obvious over the cited prior art. Accordingly, reconsideration and withdrawal of the obviousness rejection are respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that the claims are in condition for allowance. A Notice of Allowance is therefore respectfully solicited. Should the Examiner believe that a discussion with the undersigned counsel would expedite prosecution of the application, a telephone call to 703-812-5325 would be welcomed.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

/s. William Millen/

I. William Millen, Reg. No. 19,544
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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